



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,223	02/26/2002	James A. Ford	1370-021	4385

7590 09/05/2003
Edward W. Rilee
MACCORD MASON PLLC
Post Office Box 2974
Greensboro, NC 27402

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 09/05/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,223

Applicant(s)

FORD, JAMES A.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11-19,21,22,24,25,32,41-48,50,51,53 and 54 is/are rejected.
- 7) ☒ Claim(s) 3-10,20,23,26-31,33-40,49,52 and 55-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 16 and 46 are objected to because of the following informalities: the claimed limitation "said control signal actuator" appears to have insufficient antecedent basis for this limitation in the above noted claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,11,13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al. 5,874,787.

Meyer et al. disclose a fuel dispensing system (10), which comprises a plurality of underground storage tanks (18) for storing a plurality of fuel products (col. 4, ll. 32-34), at least one dispenser (14), at least one pump (20) for pumping fuel from the storage tanks to the dispenser, a pump controller (12) is connected to the dispenser and the pump having a plurality of individual selectors (38) for selecting a specific fuel product (col. 5, ll. 33-57), an emergency stop system (64), the pump includes at least one pump per product (col. 4, ll. 32-45), and further including a plurality of pumps having at least one pump per product as seen Figure 1, a product nozzle (16), at least one dispenser pump control signal for activating an associated pump (col. 4, ll. 50-52),

and a control signal actuator (4, ll. 54-57), where the control signal actuator is user actuated (col. 4, l. 54).

4. Claims 17-19,21-22,24-25,32,42-48,50-51,53-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Mercer 6,158,618.

Mercer discloses a pump controller (30) for a fuel dispensing system having a plurality of storage tanks for storing a plurality of fuel products (col. 4, ll. 60-66 and note: it is inherent that Mercer's fuel dispensing system contains a plurality of tanks in as much as the applicant's claimed invention), at least one dispenser (M), at least one submersible pump for pumping fuel from the storage tanks to the dispenser as seen in Figure 2, which comprises a plurality of individual selectors (30A and 30B) for selecting a specific fuel product (col. 3, ll. 66-67 onto col. 4, ll. 1-18), an interconnecting expandable length bus for connecting additional station components to one another (col. 4, ll. 32-39 and col. 6, ll. 26-30), the plurality of selectors includes bus input selectors and bus output selectors (col. 4, ll. 32-40 and col. 5, ll. 1-7), each bus input selector is associated with a pair of bus pump control signal lines (col. 4, ll. 36-40), a bus power supply (col. 4, ll. 15-25), a pump relay (col. 5, ll. 41-51), an emergency stop system as seen in Figure 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. 5,874,787 in view of Wright et al. 2,935,025.

Meyer et al. has taught all the features of the claimed invention except that the pump is a submersible pump. Wright et al. teaches the use of a submersible pump 50 in a fuel dispensing system as seen in Figures 1-2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the pump of Meyer et al. with the pump (50) of Wright et al., in order to provide a pump assembly which is both effective and safe for use with highly volatile gasoline as taught by Wright et al. col. 1, ll. 66-71).

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer 6,158,618 in view of Meyer et al. 5,874,787.

Mercer has taught all the features of the claimed invention except that the storage tanks are underground storage tanks. Meyer et al. show a fuel dispensing system (10) having storage tanks (18), where the storage tanks are underground storage tanks (col. 4, ll. 37-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to relocate Mercer's tanks as taught by Meyer et al. (col. 4, ll. 37-39), in order to store the fuel in large volumes.

Allowable Subject Matter

8. Claims 3-10,20,23,26-28,29-31,33-40,49,52,55-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Art Unit: 3754

independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dion 6,592,008, Schiller et al. 4,247,899, Warn et al. 5,831,861 and Atchley et al. 5,602,745 disclose other types of fuel dispensing system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302 and for after final communication is (703)-872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0861.

FN
September 2, 2003

 9/2/03.
Frederick C. Nicolas
Patent Examiner
Art Unit 3754